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DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/28/2023

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## MEMORANDUM ENDORSED

August 28, 2023

The Honorable Gregory H. Woods, U.S.D.J.  
United States Courthouse  
500 Pearl Street, Courtroom 12C  
New York, New York 10007-1312

**Akin**

Re: *U.S. Bank, Nat'l Assn. et al v. The Charitable Donor Advised Fund, L.P. et al*,  
No. 21-cv-11059

Dear Judge Woods:

Pursuant to Rule 1(E) of Your Honor's Individual Rules of Practice, we write jointly, on behalf of Counterclaim-Defendant Highland CLO Funding, Ltd. ("HCLOF") and Defendants/Counterclaim-Plaintiffs CLO Holdco, Ltd. and The Charitable Donor Advised Fund, L.P. (the "CLOH Parties"), to request a ten-day extension of the briefing schedule of HCLOF's dismissal motion (Docs. 177, 178, 180, 181) reflected in the Court's July 28, 2023 order (Doc. 167). HCLOF requested and proposed this extension due to scheduling conflicts and the CLOH Parties have agreed to HCLOF's request, subject to Court approval.<sup>1</sup> As reflected in the chart below, the extension would mean that the CLOH Parties would file their opposition to HCLOF's motion on September 12, instead of September 5, and HCLOF would file its reply on September 29, instead of September 19. We respectfully ask that the Court approve this modest schedule modification.

Filing	Current Deadline	Proposed New Deadline
The CLOH Parties' Opposition to HCLOF's Motion to Dismiss	Sept. 5	<b>Sept. 12</b>
HCLOF's Reply in Further Support of Its Motion to Dismiss	Sept. 19	<b>Sept. 29</b>

The parties have not previously requested an extension for these deadlines and seek this modest extension to account for the upcoming holidays and pre-planned travel. We appreciate the Court's consideration of this request.

<sup>1</sup> The CLOH Parties' agreement to HCLOF's request and this letter are without admission of any kind by or on behalf of the CLOH Parties and are without waiver of any substantive or procedural rights of the CLOH Parties, all of which are expressly reserved.



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Respectfully Submitted,

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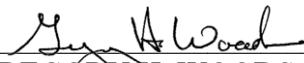
*Counsel for CLO Holdco, Ltd. and The  
Charitable Donor Advised Fund, L.P.*

The parties' August 28, 2023 request for an extension of time on the briefing scheduled of the motion to dismiss, Dkt. No. 185, is granted. The CLOH Parties' opposition to HCLOF's motion to dismiss is due no later than September 12, 2023. HCLOF's reply, if any, is due September 29, 2023.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 185.

SO ORDERED.

Dated: August 28, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge